

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA**

MARCIE FISHER-BORNE, for herself and as guardian *ad litem* for M.F.-B., a minor; CHANTELE FISHER-BORNE, for herself and as guardian *ad litem* for E.F.-B., a minor; TERRI BECK; LESLIE ZANAGLIO, for herself and as guardian *ad litem* for T.B.Z. and D.B.Z., both minors; SHANA CARIGNAN; MEGAN PARKER, for herself and as guardian *ad litem* for J.C., a minor; LEIGH SMITH; CRYSTAL HENDRIX, for herself and as guardian *ad litem* for J.H.-S., a minor; DANA DRAA; LEE KNIGHT CAFFERY, for herself and as guardian *ad litem* for M.M.C.-D. and M.L.C.-D., both minors; SHAWN LONG; CRAIG JOHNSON, for himself and as guardian *ad litem* for I.J.-L., a minor;

Plaintiffs,

v.

JOHN W. SMITH, in his official capacity as the Director of the North Carolina Administrative Office of the Courts; THE HONORABLE DAVID L. CHURCHILL, in his official capacity as Clerk of the Superior Court for Guilford County; THE HONORABLE ARCHIE L. SMITH III, in his official capacity as Clerk of the Superior Court for Durham County; ROY COOPER, in his official capacity as the Attorney General of North Carolina; WILLIAM COVINGTON, in his official capacity as the Register of Deeds for Durham County; and JEFF THIGPEN, in his official capacity as the Register of Deeds for Guilford County.

Defendants.

CIVIL ACTION NO. 1:12-cv-589

**MOTION TO AMEND THE  
COMPLAINT**

Plaintiffs submit this motion to amend the Complaint pursuant to Fed. R. Civ. P. 15(a) and Local Rule 7.3(j)(5). In support, Plaintiffs state as follows:

1. Plaintiffs filed a Complaint on June 13, 2012. (Dkt. No. 1.)
2. On June 26, 2013, the Supreme Court struck down the federal Defense of Marriage Act. *See United States v. Windsor*, No. 12-307 (U.S. June 26, 2013).
3. Plaintiffs seek to amend the Complaint to include claims challenging the constitutionality of North Carolina's constitutional and statutory prohibitions on the recognition of same-sex marriages. *See* N.C. Const. art. XIV, § 6; N.C. Gen. Stat. §§ 51-1, 51-1.2. Plaintiffs have also added the requisite defendants in light of these additional claims. A copy of the proposed First Amended Complaint has been attached to this Motion as Exhibit A ("First Amended Complaint").
4. Plaintiffs' counsel has provided existing Defendants' counsel with a copy of the First Amended Complaint. Counsel for existing Defendants indicated no objection to the motion to amend the complaint.

WHEREFORE, Plaintiffs respectfully request that the Court enter the attached order allowing them to file and serve the First Amended Complaint, and for such other and further relief as the Court deems just and proper.

Dated: July 12, 2013  
Raleigh, North Carolina

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 12, 2013, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record.

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